



**GUIDELINES FOR GENDER  
INTERACTION IN ISLAM**

**A REBUTTAL**

**ZAMEELUR RAHMAN**



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## INTRODUCTION

In the name of Allāh, the Most Merciful, the Ever Gracious.

Recently, two authors compiled an article titled “Guidelines for Gender Interaction in Islam,” with endorsements from several individuals and speakers. Given the title, one would expect to find some specific Islāmic guidelines about how men and women should conduct themselves when interacting. Instead, the article is framed as a critique of the well-established traditional obligation of gender segregation and the prohibition of *ikhtilāf* (unnecessary mixing between non-elderly men and women), while neglecting to outline important Islāmic principles on gender interaction.

The authors propose that there is a specific set of “fundamental principles” for men and women to interact with each other, which they claim are based on clear textual evidence and on unanimously accepted juristic views, while everything beyond these principles is “subjective” and open to *ijtihādī* difference.<sup>1</sup> These fundamental principles are:

- a. the prohibition of revealing the ‘*awrah*’ (for women, the entire body

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<sup>1</sup> Zeeshan Chaudri and Muntasir Zaman, *Guidelines for Gender Interaction in Islam*, pp.1–2, p.35, p.42, p.45. The authors may argue that this is an uncharitable reading of their thesis and claim that it doesn’t explicitly state that everything beyond the “fundamental principles” they outline is open to *ijtihādī* difference, but the cited pages (taken together with the general tone and tenor of their article) very clearly give this impression.

- except the face and hands);
- b. the prohibition of looking at another's *'awrah*, with or without lust;
  - c. the prohibition of looking at another with lust, even if not at the *'awrah*;
  - d. the prohibition of *khalwah* (a man and woman who are not mahrams to each other being in seclusion); and
  - e. the prohibition of physical touching or contact.<sup>2</sup>

Beyond these principles, they add only that interaction between men and women should be “purposeful” (not frivolous) and deemed “appropriate” within their context.<sup>3</sup> However, according to their own conclusions, these additional conditions (“purposefulness” and “appropriateness”) seem to be neither definitive nor clear-cut but rather their own subjective additions. Thus, these too would appear to be subject to legitimate *ijtihādī* difference under their thesis.

Based on this, if someone adopts the view that it is permissible for men and women to meet face-to-face in public and engage in open, casual and free conversations with each other – even those that would be deemed inappropriate or frivolous – the authors, by their own stated principles, should have no grounds to reject this as being outside the bounds of legitimate disagreement. Thus, something that every Muslim instinctively recognises to be clear-cut *ḥarām* has been reduced effectively to a matter of *ijtihādī* preference.<sup>4</sup> This is a result of the reductive and permissive approach they have taken to this topic, an approach that is misguided and opposed to traditional fiqh methodology (as touched on below).

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<sup>2</sup> Ibid., pp.1–2

<sup>3</sup> Ibid., p.10

<sup>4</sup> See footnote 1.



## EXCLUDED PRINCIPLES

The authors do not include in their “fundamental principles” on gender interaction:

1. The necessity for women to avoid anything that creates attraction towards them when in the presence of non-maḥram men, like fragrance, adornment or using alluring tones.
2. The necessity of maintaining any form of separation between men and women beyond avoiding physical contact. (According to these authors, it can be permissible, even without necessity, for men and women to be fully intermingled in a closed space, provided they are not physically touching.)

Yet, these are principles that are also explicitly or implicitly derived from the texts of Sharī‘ah and are accepted by consensus, as explained below. So, why are they not included amongst the authors’ “fundamental principles”?<sup>5</sup>

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5 If the authors claim that aspects of these two principles are based on inference and are open to interpretation, then the very same contention could undermine some of the “fundamental principles” they have themselves outlined. Someone could argue that the ḥadīths prohibiting physical contact with the opposite gender refer to the prohibition of touching with lust, thereby permitting lust-free, platonic touching, handshakes or even hugs between men and women. Would the authors consider this a legitimate difference of opinion? Or, someone could claim that nothing in the texts explicitly prohibits merely bumping into or brushing past the opposite gender – since this involves no direct skin-to-skin contact. Would the authors view this as a valid opinion?





## I. CREATING ATTRACTION

On the first point, the authors do mention, almost in passing, that the Prophet ﷺ instructed women “against wearing perfume when leaving the home”,<sup>6</sup> and they quote Ibn Ḥajar al-‘Asqalānī commenting on it as follows: “Alongside perfume, anything that stirs desire is included, such as fine clothing, visible jewelry, and luxurious adornment, as well as mixing with men.”<sup>7</sup>

Given that “the primary purpose behind ḥijāb is that the attractive aspects (*maḥāsīn*) of a woman are not revealed to men”,<sup>8</sup> it is alarming that the authors do not include this amongst the fundamental principles of gender interaction, let alone give *any* specific guidelines on how to put it into practice in today’s context.

The Prophet ﷺ forbade women from leaving their homes while fragranced, stating, “They must not emerge except un-fragranced.”<sup>9</sup> Ibn Ḥazm understands the word for “un-fragranced” in this ḥadīth (*tafilāt*) as meaning “bad in odour and appearance”.<sup>10</sup> He thus states: “**It is not permissible for women to go out fragranced or in attractive clothing. If they do, (the guardian) must prevent them.**”<sup>11</sup> He further stated: “If they are fragranced or adorned for (coming

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6 *Guidelines for Gender Interaction in Islam*, p.29

7 *Ibid.*, p.30

8 *Maqālāt al-Kawtharī* (al-Maktabat al-Tawfiqiyyah), p.229

9 *Muṣannaf ‘Abd al-Razzāq* (Dār al-Tā’šīl, 2<sup>nd</sup> edition), 5266

10 *Al-Muḥallā* (Dār Ibn Ḥazm), 3:514

11 *Ibid.*, 3:513

to the masjid)...**in such a case, it is necessary to prevent them.**"<sup>12</sup>

Note that this obligation to prevent women from emerging while fragranced or adorned in attractive clothing is not based on a subjective consideration of "blocking the means" but is extracted directly from the texts of Shari'ah.<sup>13</sup> Yet, it is conspicuously missing from the fundamental guidelines on gender interaction listed by these authors.

The Prophet ﷺ said: "Any woman who has applied fragrance must not attend the 'Isha' prayer with us."<sup>14</sup>

Qāḍī 'Iyād comments:

"The Prophet ﷺ forbade women from coming out to the masjids when they are perfumed because men will be tempted by their scent, and their hearts and desires will be stirred by it. **This is more important for (emerging) somewhere besides the masjids.** Included within the purview of fragrance are: adornments, attractive clothing and the sound of anklets and jewellery. **It is necessary to prevent women from all of these things when they come out to a place where they are visible to men.**"<sup>15</sup>

The Qur'ān forbids women from "striking their feet" in a way that reveals their hidden adornments (e.g. by wearing anklets that jingle). (Qur'ān, 24:31) It similarly instructs the wives of the Prophet ﷺ, and by extension all women, to avoid softening their voice when speaking with men. (Qur'ān, 33:32)

Hence, Ibn al-Humām (790–861 AH) established a general principle:

**"Where we deem it permissible for a woman to go out (for her natural or religious needs), it is only permissible on the condition that she is not adorned and alters her appearance so that it**

<sup>12</sup> Ibid., 4:442

<sup>13</sup> That is not to say that these considerations are mutually exclusive. Something can be directly extracted from the texts of the Shari'ah while simultaneously being based on blocking the means (as the authors of the article have themselves pointed out).

<sup>14</sup> *Ṣaḥīḥ Muslim* (Dār al-Ta'wīl), 437

<sup>15</sup> *Ikmāl al-Mu'lim* (Dār al-Wafā'), 2:355

**does not attract the attention of men.”<sup>16</sup>**

Again, this is not merely a subjective or *personal* judgement based on a loose conception of “blocking the means” but something directly extracted from the texts of Sharī‘ah, as is clear from the above explanation. Thus, Sayyid Faḍl ibn ‘Alawī al-Makkī (1240–1318 AH) cites a consensus on this principle.<sup>17</sup>

In many Muslim societies, both in the West and elsewhere, it is common for women to dress in ways that attract men’s attention, beyond just revealing parts of the *‘awrah*. Is it not irresponsible of the authors to sideline this principle and fail to include it amongst the fundamental requirements for gender interaction?

Even with regard to covering the *‘awrah*, the authors neglect to address the issue of tight-fitting clothing that reveals the shape or form of the *‘awrah* or the wearing of thin or transparent clothing. They might claim that these obviously fall within the broader requirement of covering the *‘awrah*, but when presenting guidelines on such an important topic – especially one in which misconduct is rife in Muslim societies – it is imperative to spell these out. However, in their eagerness to offer a reductive and permissive approach to gender interaction (and thereby shield individuals from criticism for certain behaviours), they failed to consider how their “guidelines for gender interaction” could be construed as allowing for all such types of wrongful actions.<sup>18</sup>

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<sup>16</sup> *Fatḥ al-Qadīr* (Dār al-Kutub al-‘Ilmiyyah), 4:358

<sup>17</sup> *Iqd al-Farā'id fī Nuṣūṣ al-Amājiid* (Dār al-Turāth), pp.33–4

<sup>18</sup> That is, ordinary people will end up reading it as limiting the obligation to only the few principles they outlined in the beginning, while all else is fair game, including applying fragrance, wearing attractive and tight clothing, applying make-up and so on.



## 2. GENDER SEGREGATION

The second point on gender segregation is the main focus of the article. While the authors attempt to relegate it to something merely preferable, clear texts of the Sharī'ah (mentioned below) coupled with the examples they themselves cite: ṣalāh in the masjid, ṭawāf and women being taught separately, as well as the traditional consensus, demonstrate that this too is a clear, fundamental Islāmic requirement. To violate this requirement unnecessarily is impermissible and sinful.

Ibn Rajab al-Ḥanbalī writes:

“Women did not attend the gatherings of the Prophet ﷺ with men for religious learning and reminders. **They would only attend the prayers at night, at the back of the masjid, and would leave immediately after.** They also attended the two ‘Īds with the Muslims, separated from the men, positioned behind them. Hence, when the Prophet ﷺ (on one occasion) delivered a khuṭbah on the day of ‘Īd, he felt the women had not heard. Thus, when he finished, he, along with Bilāl, went to the women. He advised and reminded them, instructing them to give ṣadaqah, while keeping the men seated until he had finished admonishing the women.<sup>19</sup> **The basis for this is that**

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<sup>19</sup> According to Imām al-Ṭahāwī, women were only encouraged to attend ‘Īd prayers in the initial part of Islām, and this was later abrogated because of the requirements of ḥijāb. (*Aḥkām al-Qur’ān*, 1:470)

**men and women mixing in gatherings is a (reprehensible) innovation, as stated by al-Ḥasan al-Baṣrī.** Hence, the women said to him, ‘O Messenger of Allāh, the men have overpowered us with you.’... He promised them a gathering exclusive to them in a woman’s house. That woman was probably one of his wives or maḥrams.”<sup>20</sup>

He further wrote:

“It is legislated in the Sharī‘ah to completely separate women from men because there is fear of harms resulting from their mixing with men.”<sup>21</sup>

In other words, the separation between men and women was explicitly implemented in the Prophet’s ﷺ time. Moreover, scriptural texts show that part and parcel of the requirements of “ḥijāb” is for women (as a default) to be concealed from the view of men:

- The Prophet ﷺ said: “The woman is ‘*awrah*’ (something to be concealed), so when she emerges the shayṭān peers over at her.”<sup>22</sup> ‘Abdullāh ibn Mas‘ūd (رضي الله عنه) said: “Confine women to the homes because women are ‘*awrah*’.”<sup>23</sup> Imām al-Mawṣilī writes: “(Women) are ‘*awrah*’ and have been forbidden from emerging (without need).”<sup>24</sup>
- The Prophet ﷺ said: “A woman approaches and retreats in the form of shayṭān.”<sup>25</sup> Imām al-Nawawī explained: “Her (form) resembles the devil in his inviting towards evil through whispers and beautification. It is derived from this that she should not emerge amongst men but for a need and a man should avert his gaze away from her garments and look away from her completely.”<sup>26</sup>

20 *Majmū‘ Rasā’il al-Ḥāfiẓ Ibn Rajab al-Ḥanbalī* (al-Fārūq al-Ḥadithiyyah), 1:389–90

21 *Fatḥ al-Bārī* (Maktabat al-Ghurabā’ al-Athariyyah), 2:142

22 *Sunan al-Tirmidhī* (Dār al-Ta’šīl), 1214; Imām al-Tirmidhī has deemed it authentic.

23 *Muṣannaḥ Ibn Abī Shaybah*, 18006

24 *Al-Ikhtiyār* (Dār al-Risālat al-‘Ālamiyyah), 4:181

25 *Ṣaḥīḥ Muslim*, 1420

26 *Sharḥ al-Nawawī ‘alā Ṣaḥīḥ Muslim*, 9:254

- The Qur’ān states: “Remain in your homes.” (Qur’ān, 33:33) Meaning, women must not emerge in front of non-maḥram men without a need. While this is addressed to the wives of the Prophet ﷺ, the rule encompasses all women.
- The Qur’ān states: “When you ask them for something, ask them from behind a screen.” (Qur’ān, 33:53) (This verse is famously known as the “verse of ḥijāb”.) This too is referring to the wives of the Prophet ﷺ, but the rule applies to all women. (The claim of the authors that it applies exclusively to the wives of the Prophet ﷺ will be addressed below.)

The authors cite the recently published translation of Muftī Muḥammad Shafi‘’s comprehensive book on ḥijāb,<sup>27</sup> which demonstrates that the first and primary degree of ḥijāb in Sharī‘ah is the complete concealment of women from the view of non-maḥram men. Hence, the persons or forms of women must only be revealed to non-maḥram men when there is a genuine need to emerge among them.<sup>28</sup> Why was this not determined to be a fundamental requirement of gender interaction, while it is proven from clear scriptural texts?

The prohibition of *ikhtilāṭ* is merely an obvious practical realisation and extension of this requirement of Sharī‘ah. When men and women attended the Prophet’s ﷺ maṣjid by night, the women were positioned behind the men and left immediately after the ṣalāh.<sup>29</sup> So while there was a limited amount of “mixing” on the way to the maṣjid due to the necessity of the Sharī‘ah allowing women’s emergence to the maṣjid (when the right conditions are met), within the maṣjid itself, the women were positioned behind the men, out of view, and it was ensured they left before the men so that no mixing would occur on the way back.

Sayyid Faḍl al-Makkī states that just like *tabarruj* (a woman’s wanton display of adornments) and *khalwah* are forbidden by consensus amongst the imāms, so is “the intermingling of men with women”.<sup>30</sup>

27 *Hijāb: A Comprehensive Introduction* (As-Subah Publications)

28 Ibid., pp.109–138; see also: *‘Umdat al-Qāri* (Dār al-Kutub al-‘Ilmiyyah), 2:431

29 See: *Hijāb: A Comprehensive Introduction*, Addendum 1

30 *Iqd al-Farā'id fī Nuṣūṣ al-Amājid*, p.39

### Imām Muḥammad's Text Defining a Woman's 'Awrah

The authors reference a text from Imām Muḥammad's *al-Aṣl* which outlines the boundaries of a woman's 'awrah (i.e. the entire body except the face and hands) and states that it is permissible for a man to look at a woman's face and hands provided it is free of desire or lust.<sup>31</sup> The authors seem to interpret this passage as a broad or unrestricted permission for men and women to directly interact, so long as only the face and hands of women are exposed and the gazes are free of lust. However, nothing in the passage states that this is a general or blanket allowance.

The situation described in *al-Aṣl* pertains to a woman appearing in the presence of men (e.g. in the market) when there is a legitimate need. When no such need exists, other rulings from *al-Aṣl* indicate that it is forbidden for women to appear before men (see below).

Furthermore, when a woman appears in the presence of men for a need, there are two possible scenarios or contexts:

1. It is a time of piety and purity (like in the era of the ṣaḥābah). In this context, covering the face is recommended but not obligatory.
2. It is a time of widespread depravity. In this context, covering the face in the presence of non-maḥram men becomes necessary and is no longer just a recommendation.

Ḥanafī jurists inferred this from another passage from Imām Muḥammad's *al-Aṣl*. Hence, early authorities like al-Ḥākim al-Shahīd described his era as one of moral corruption, rendering the face-covering for women necessary (when they emerge in the presence of men for a need) and not just recommended.<sup>32</sup>

However, even in the second scenario, there are exceptions when it is permitted for a woman to reveal her face for a greater need, like being seen by a prospective spouse or for purposes of testimony in court.<sup>33</sup>

<sup>31</sup> *Guidelines for Gender Interaction in Islam*, p.7

<sup>32</sup> See for details: <https://ahlussunnah.boards.net/thread/980/niq-obligation-anaf-madhhab>

<sup>33</sup> The authors quote a passage from *Tabyīn al-Ḥaqā'iq* stating that a woman may need to expose her face and hands due to the "necessity" of "transacting" with men. (*Guidelines for Gender Interaction in Islam*, p.34) The same is found in other texts, including *al-Hidāyah*

## Looking With Desire

Not only do the authors omit this context of the passage from *al-Aṣl*, but they also fail to define what is meant by looking with desire or lust according to the Ḥanafī madhhab, despite it being critical to understanding even their own limited set of “fundamental principles” for gender interaction.

Al-Quhustānī (d. 962 AH) explains:

“For the permissibility of a man looking at a woman or vice versa, the condition is **being certain** of safety from lust. Lust means the glance is accompanied by the self (*nafs*) inclining towards drawing close to her or him or to touch her or him, whereby one perceives a difference between a beautiful face and plentiful goods. Hence, the inclination to kiss goes beyond the forbidden desire.”<sup>34</sup>

Ibn ‘Ābidīn comments on this as follows:

“The upshot is that simply looking and finding a beautiful face appealing – considering it superior to an unattractive face, like finding plentiful goods appealing – is unproblematic. Human nature is not devoid of this. In fact, it exists even in minors... Thus, this is not looking with lust. Rather, lust is to incline beyond this – with an inclination accompanied by pleasure – to draw close to it or touch it in a manner that surpasses one’s inclination towards plentiful goods... Beyond this is the inclination towards kissing, hugging, touching or sleeping together. (This is) even without the movement of the (sexual) organ.”<sup>35</sup>

Hence, if a person looks at a woman’s face and feels an attraction that creates an inclination in him to draw closer to her – in a manner that exceeds the attraction

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(Dār al-Sirāj, 6:467). In earlier times, some traders may refuse to transact with a woman without seeing her face (in case of a later dispute and the need to identify her in court). (*Ghāyat al-Bayān*, 15:456) However, this particular need to reveal the face, of course, no longer applies today.

<sup>34</sup> *Radd al-Muḥtār* (Dār al-Thaqāfah wa ‘l-Turāth), 21:422–3

<sup>35</sup> Ibid.



one feels towards nice scenery, for example – this would suffice to indicate “desire” or “lust” in the context of looking, rendering it forbidden. Even in earlier times of piety, it was rare for one not to experience such attraction when seeing the face of a non-elderly woman, but in these later times of corruption and moral decline, it is close to non-existent.

Imām al-Sarakhsī states: “If (a man) knows that he will look with lust, he is not permitted to look at any part of her (i.e. including her face)...The same is the case if his greater judgement is that he will look with lust.”<sup>36</sup> ‘Allāmah al-Kawtharī comments before citing this passage: “Where is the refined society in which a man is secure from (such) temptation when a woman emerges with her face uncovered?!”<sup>37</sup>

On guidelines about gender interactions by two ostensibly Ḥanafī authors, quoting the primary Ḥanafī text *al-Aṣl*, why did they not outline what is meant by looking with desire which both men and women must avoid? Why did they not clarify the reasoning Ḥanafī jurists like al-Ḥākim al-Shahīd gave for why covering the face for non-elderly women in the presence of non-maḥram men is no longer merely desirable, but obligatory?<sup>38</sup> Without these clarifications, their citation is obviously missing crucial context and can easily lead to misinterpretation of the traditional rulings.

## Women’s Emergence

The authors also fail to cite the important ruling from *al-Aṣl* prohibiting women’s emergence. Imām Muḥammad records in *al-Aṣl*: “I do not permit women for any kind of emergence (to prayers), except for an elderly woman, who I permit to come out to the two ‘Īds, Fajr and ‘Ishā’.”<sup>39</sup> He also records: “I deem it reprehensible (i.e. prohibitively disliked) today for women (to emerge to the ‘Īd prayers).” After extending this prohibition to other prayers as well, he records the following exception from Imām Abū Ḥanīfah: “I permit the old woman to attend ‘Ishā’,

36 *Al-Mabsūṭ*, 10:153

37 *Maqālāt al-Kawtharī* (al-Maktabat al-Tawfiqiyyah), p.230

38 See also: *Hijāb: A Comprehensive Introduction*, pp.109–138

39 *Al-Aṣl*, 1:365

Fajr and the two ‘Īds, nothing else.”<sup>40</sup>

The authors did not mention these important citations from *al-Aṣl*, which are reiterated in subsequent Ḥanafī texts, maybe because they view them as mere *ijtihādī* additions based on subjective judgements that others are free to disagree with. However, this is entirely false. The judgement of the Ḥanafī imāms is rooted in the prophetic statements themselves, as highlighted above, which establish conditions for the emergence of women.

In his detailed discussion on this very issue, Imām al-Ṭaḥāwī, an early Ḥanafī authority, states that the permission for women to attend the maṣjid was limited by prophetic guidance to: a) the night, b) while unfragranced,<sup>41</sup> and c) while not mixing with men when returning.<sup>42</sup>

Hence, Imām al-Ṭaḥāwī quotes the famous statement of ‘Ā’ishah (رضي الله عنها): “Had the Messenger of Allāh ﷺ seen what the women started, he would surely have stopped them from the maṣjid just as the Israelite women were stopped,”<sup>43</sup> and comments: “Aside from her knowledge, understanding and alertness, ‘Ā’ishah is trustworthy in what she says. Her statement proves that it was allowed for women to attend the maṣjids in the time of Allāh’s Messenger ﷺ because of a condition that they had. They left (this condition) for its reverse after him. Thus, what was permitted for them, i.e. attending in the manner that they would in the lifetime of Allāh’s Messenger ﷺ, was nullified. **If their condition was such during the time of ‘Ā’ishah, they would be even further from that after her demise.**”<sup>44</sup>

In other words, the permissibility of women attending the maṣjid was premised on conditions explicitly outlined by the Prophet ﷺ himself. Once these conditions started to be disregarded, the permissibility no longer applied. This Ḥanafī ruling is thus directly derived from prophetic texts. It is merely an application of those texts to the new reality and is not a subjective personal judgement. Many scholars across the madhhabs have understood ‘Ā’ishah’s (رضي الله عنها) statement in

<sup>40</sup> *Al-Aṣl*, 1:323

<sup>41</sup> Which indicates the absence of other similar adornment

<sup>42</sup> *Aḥkām al-Qur’ān*, 1:465–8

<sup>43</sup> *Ṣaḥīḥ al-Bukhārī*, 879; *Ṣaḥīḥ Muslim*, 2230

<sup>44</sup> *Sharḥ Mushkil al-Āthār*, 12:142

the same way.<sup>45</sup> Some later Shāfi‘ī scholars have even cited a consensus on the prohibition of women attending the masjid in the latter period, where the conditions for permissibility are not met.<sup>46</sup>

The permissibility of women attending the masjid is based on the Sharī‘ah recognising it as a legitimate religious need for women to emerge under the right conditions. Given that even such a legitimate emergence is deemed forbidden when these conditions are not being met (like in the current context), it follows that going to other places in the presence of non-maḥram men, where no legitimate need exists, is even more deserving of prohibition. (This was also highlighted in Qāḍī ‘Iyād’s statement quoted earlier.) Hence, later Ḥanafī jurists even extended the prohibition to women attending lectures and talks, as the necessary conditions for their presence in such settings were not being observed.

### The Prohibition of *Ikhtilāṭ*

Imām al-Ṭaḥāwī also refers to *ikhtilāṭ* in the context of following a bier to the graveyard. It is recommended to follow the bier from behind. However, ‘Umar (رضي الله عنه) and others would sometimes follow from the front because women were at the back. Imām al-Ṭaḥāwī explains that this was done to avoid *ikhtilāṭ*. Al-‘Aynī, in his commentary, explains that *ikhtilāṭ* is ḥarām.<sup>47</sup> In other words, simply being near women when following the bier was considered ḥarām – even without useless chatter or “inappropriate” interaction, and despite following the bier from behind being “purposeful”. If the authors claim that Imām al-‘Aynī made this judgement based on his own context or culture, rather than stating it as an objective law of Sharī‘ah, why is he applying it to this situation from the time of the ṣaḥābah?!

In fact, the prohibition of *ikhtilāṭ* is so obvious that it was used as a basis for deeming other practices or customs as ḥarām and was not thought of as something that needed proving itself. After endorsing a certain controversial practice,

45 See: *Hijāb: A Comprehensive Introduction*, Addendum 1

46 See: <https://ahlussunnah.boards.net/thread/1082/women-attending-masjid-definitively-forbidden>

47 *Nukhab al-Afkār* (Wizārat al-Awqāf) 7:268

Ḥāfiẓ ‘Alā’ al-Dīn al-Shāfi‘ī (694–761 AH) adds:

“Unless an evil accompanying it, which cannot be removed, conflicts with it, like men mixing with women or disrespecting the masjid. In that case, the evils should be prevented, and one should refrain from them. ‘Ā’ishah (ﷺ) said: ‘Had the Messenger of Allāh (ﷺ) seen what the women started, he would surely have stopped them from the masjid just as the Israelite women were stopped.’ In *Ṣaḥīḥ Ibn Khuzaymah*, it is reported from Ibn Mas‘ūd (رضي الله عنه) that the Messenger of Allāh (ﷺ) said: ‘Indeed, the woman is *‘awrah* (something to be concealed). So when she emerges, the devil peers over at her. She is closest to her Lord when she is in the depths of her house.’”<sup>48</sup>

Ibn Abī Zayd al-Qayrawānī, in his famous Mālikī text *al-Risālah*, conditions the acceptance of a walimah invitation on there being no “clear abomination” (*munkar bayyin*) at the event.<sup>49</sup> In his commentary, al-Nafrāwī defines “clear” as “well-known and obvious”, with the first example (as stated by other commentators too) being “the mixing of men with women”.<sup>50</sup> Thus, *ikhtilāṭ* is not only an evil and an abomination but one that is obvious and clear.

Given this, isn’t it startling that so-called people of learning are questioning this prohibition? Isn’t it a shame that there is even a need to defend the fact that this is an Islāmic prohibition?

### The Necessity of a Barrier When Lecturing Men & Women

Regarding a classroom or lecture setting, the principle of avoiding *ikhtilāṭ* and keeping women concealed from men’s view requires that, if both genders are present, women are screened from men. The famous Mālikī scholar, Qāḍī Abū Bakr al-Bāqillānī (338–403 AH), states:

“As for non-elderly women, **it is necessary to condemn** their mixing with men in the masjids and the gathering of speakers, **unless**

48 *Fatāwā al-‘Alā’ī* (Dār al-Nawādir), p.138

49 *Al-Risālah* (Dār al-Gharb al-Islāmī), p.276

50 *Al-Fawākiḥ al-Dawānī* (Dār al-Kutub al-‘Ilmiyyah), 2:521

**they are behind a screen whereby men do not see them.**"<sup>51</sup>

Al-Bāqillānī does not present this as a matter of differing opinions or a subjective precautionary measure but as a necessary requirement, violating which must be condemned.

Imām al-Ghazālī (450–505 AH), a major authority of the Shāfiʿī madhhab, similarly states that when men and women attend a lecture: **"It is obligatory to erect a screen/barrier between the men and women that prevents visibility."**<sup>52</sup>

Ibn Ḥajar al-Haytamī, the famous late verifier of the Shāfiʿī madhhab, quotes and affirms this ruling,<sup>53</sup> as does Ibn ʿAṭīyah al-Hitī (d. 936 AH), who writes:

"It is obligatory for the muḥaddith and sermoniser not to allow women to attend his gatherings unless a screen is erected between them and the men, preventing (them) from viewing (one another), implementing the statement of Allāh, Glorified and Exalted is He, 'When you ask them for something, ask them from behind a screen,' although the context of the verse pertains to another matter. Al-Ghazālī and other 'ulamā' have expressly stated that this is an obligation. Allāh, Exalted is He, have mercy on them."<sup>54, 55</sup>

51 *Iḥkām al-Naẓar fī Ahkām al-Naẓar* (Dār al-Qalam), p.494

52 *Iḥyā' ʿUlūm al-Dīn* (Dār al-Minhāj), 4:639

53 *Al-Fatāwā al-Kubrā al-Fiqhiyyah*, 1:203

54 *Arāʾis al-Ghurur wa Gharāʾis al-Fikar fī Ahkām al-Naẓar* (Dār al-Qalam), p.152

55 In *Minhāj al-Ṭalībīn* (a famous Shāfiʿī fiqh text), Imām al-Nawawī includes "teaching" amongst the exceptions to the general prohibition on looking at a woman, while specifying that it must be limited to need. Commentators on *Minhāj al-Ṭalībīn* debated whether this exception applies only to obligatory education (like teaching Sūrat al-Fātiḥah) or also to recommended education (like teaching other parts of the Qurʾān).

Taqī al-Dīn al-Subkī, in his commentary on *Minhāj al-Ṭalībīn*, restricts this permission to obligatory education. He also said that the permission only applies when somebody of the same gender or a righteous male maḥram is unavailable to teach, and only while someone else is present (to prevent *khalwah*) and when teaching behind a screen is difficult. (Teaching behind a screen could be difficult for someone with learning difficulties, for example.)

The later commentators on *Minhāj al-Ṭalībīn* that the Shafiʿis depend on for authoritative verdicts in the madhhab disagreed with al-Subkī on the first point. They said the

Al-Bazzāzī states: “A man may not permit (his wife) to emerge to a lecture in which men and women are gathered together...”<sup>56</sup>

For over a thousand years, has anyone clarified that this requirement of a physical barrier when teaching both males and females was merely an *ijtihādī* preference of some scholars, open to a difference of opinion, or based on a loose conception of blocking the means that could be differed with? Or do the authors imagine that this was a necessity in earlier times, while today’s Muslims, being supposedly more pious and pure, no longer require it?!

### Inconsistency in Applying *Ikhtilāf*?

The authors critique a straightforward definition of *ikhtilāf* I had provided i.e. “there being no segregation between men and women, that is men and women are together in the same place and do not have their own areas or seating places”. They argue:

“The definition does not oblige a physical barrier, and therefore the mere separation of the genders such that they have their own seating place will not be deemed “*ikhtilāf*” per this definition. Those using such a definition to state that a man teaching or lecturing adult females without a barrier are engaged in “*ikhtilāf*” and therefore openly committing sin (*fīṣq*) should realize that the above definition does not apply to that scenario. It is of utmost importance for our legal deter-

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permission applies to both obligatory and recommended education. However, they agreed with al-Subkī on the second point: the permissibility is only when there isn’t someone of the same gender or a righteous mahram available to teach and it is difficult to teach behind a screen. Given these conditions, al-Damīrī in his commentary on *Minhāj al-Ṭālibīn* (*al-Najm al-Wabbāj*) even notes that this exception mentioned by al-Nawawī is problematic as it is effectively inapplicable. (See: *Minhāj al-Ṭālibīn* (Dār al-Minhāj), p.373; *Qūt al-Muḥtāj* (Dār al-Kutub al-‘Ilmiyyah), 5:224; *Nihāyat al-Muḥtāj* (Dār al-Kutub al-‘Ilmiyyah), 6:199; *al-Dibāj Sharḥ al-Minhāj* (Dār al-Minhāj), 3:176; *Tuḥfat al-Muḥtāj* (Dār al-Ḍiyā’), 7:418; *al-Najm al-Wabbāj* (Dār al-Minhāj), 7:34, ‘*Umdat al-Muḥtāj* (Dār Ibn Ḥazm), 10:382)

This demonstrates that as a default, in the Shāfi‘ī madhhab, a screen is necessary when teaching the opposite gender. The principles of the other madhhabs align with this default necessity of a screen.

56 *Al-Fatāwā al-Bazzāziyyah* (Dār al-Kutub al-‘Ilmiyyah), 1:139

minations to be congruent to the definitions and principles we have determined as the legal underpinnings so that we remain consistent in our application of *fiqh*.”<sup>57</sup>

To avoid *ikhṭilāṭ*, a physical barrier is not always required. For example, when women attended the maṣjid at night during the Prophet’s ﷺ time (when, due to the absence of artificial lighting, visibility was very low), they were positioned behind and away from the view of men, and they left immediately after. However, if men and women gather together in the same venue and within view of each other (to listen to a speaker for example), then a barrier is necessary to fulfil the purpose of the prohibition of *ikhṭilāṭ* i.e. to screen women from men’s view.

A limited degree of *ikhṭilāṭ* may be allowed in certain cases that are deemed as valid necessities in Sharī‘ah – like ṭawāf, where men and women are within view of each other but the harms of this are mitigated somewhat by positioning women to the outer side of men, and women being encouraged to perform it at times when there are fewer people.<sup>58</sup> The early Egyptian Mālikī scholar, Ashhab (140–204 AH), reported: “Do you not see that in ṭawāf and ṣalāh, the women are behind the men?”<sup>59</sup> In ṭawāf, “behind” refers to being on the outer side, so women are placed further out than the men who are closer to the Ka‘bah.

During ṭawāf, erecting a barrier between men and women is impractical, and so a limited degree of *ikhṭilāṭ* is tolerated for the necessity of fulfilling this act of worship. However, after the time of the salaf, the original practice of positioning women further out than men and keeping the men and women separate was no longer maintained, and hence was condemned by the scholars. Al-‘Izz ibn Jamā‘ah, a major Shāfi‘ī scholar, condemned the actions of commoners during ṭawāf, saying: “One of the most reprehensible evils is what the ignorant commoners do during ṭawāf, where men with their wives, their faces uncovered, mingle, and sometimes do so at night while holding candles in their hands.”<sup>60</sup>

57 *Guidelines for Gender Interaction in Islam*, p.4

58 *Al-Fatāwā al-Kubrā al-Fiqhiyyah*, 1:200

59 *Al-Nawādir wa ‘l-Ziyādāt* (Dār al-Gharb al-Islāmī), 8:35

60 *Hidāyat al-Sālik*, p.1022; for additional information and quotes on the prohibition



## SHUBUHĀT

The authors present a weak stack of cards (*shubuhāt*) to displace this entire traditional, established framework of fiqh on gender separation. They do so by:

1. Claiming that Qur’ān 33:53 applies exclusively to the Prophet’s ﷺ wives.
2. Citing incidents from the Prophet’s ﷺ time to suggest that men and women intermingling was permissible as long as it was “purposeful” and “appropriate”.
3. Referring to statements from Imām Mālik and Imām al-Nawawī.

We will now look at each of these in turn.<sup>61</sup>

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of *ikhtilāt*, see: <https://ahlussunnah.boards.net/thread/975/prohibition-ikhtilat-mixing-men-women>.

<sup>61</sup> The intent here is not to address every *shubuhāt* presented by the authors, but to tackle a few main ones, from which answers to the others can be inferred.





## QUR'ĀN 33:53: EXCLUSIVE TO THE WIVES OF THE PROPHET ﷺ?

The verse of ḥijāb states: “When you ask them (i.e. the wives of the Prophet ﷺ) for something, ask them from behind a screen/curtain.” (Qur'ān, 33:53)

In a footnote, the authors themselves cite Abū Bakr al-Jaṣṣāṣ,<sup>62</sup> who explains that while the verse is specifically about the Prophet's ﷺ wives, its ruling extends to all women. Furthermore, the verse continues: “That is purer for your hearts and their hearts,” indicating a general wisdom relevant to all men and women. Al-Qurṭubī explains this by stating: “All women are included in this based on the (verse's) meaning and what is entailed by the principles of Sharī'ah, namely that the entirety of a woman – her body and voice – are *‘awrah*. Thus, it is impermissible to reveal it except for a need, like giving testimony against her.”<sup>63</sup>

In his commentary on *Ṣaḥīḥ Muslim*, Qāḍī 'Iyād (476–544 AH) notes:

“It was customary amongst Arabs for the men to engage in conversations with women, which was neither considered a fault nor suspicious by them. When the verse of ḥijāb (Qur'ān, 33:53) was revealed, this was prohibited.”<sup>64</sup>

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62 *Guidelines for Gender Interaction in Islam*, p.24

63 *Tafsīr al-Qurṭubī* (Mu'assasat al-Risālah), 17:208

64 *Ikmāl al-Mu'lim* (Dār al-Wafā'), 4:277

Qāḍī 'Iyāḍ thus understood the verse, "When you ask them for something, ask them from behind a screen," to apply beyond the Prophet's wives ﷺ. The fact that he cites this verse shows that he considered face-to-face conversations between non-maḥram men and women to be prohibited as a default, except when necessity or need dictates otherwise.<sup>65</sup>

The authors, however, are not incorrect in noting that the context and primary referents of the verse are the wives of the Prophet ﷺ, which means the rule of concealment applies more strictly to them than to other women.<sup>66</sup> This is the point that the citations they present are making: the rule of concealment applies more strictly to the wives of the Prophet ﷺ than other women. Hence, while it is true that the verse is unique to the wives of the Prophet ﷺ in its strictest application, the general principle – requiring separation and concealment from visibility except in cases of genuine need – applies to all women.

They quote Ibn Qutaybah in *Ta'wīl Mukhtalif al-Ḥadīth*,<sup>67</sup> where he addresses an apparent difficulty: though it is generally permitted for women to look at men, in one ḥadīth the Prophet ﷺ instructed his wives to go behind a curtain

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65 However, Qāḍī 'Iyāḍ believed ḥijāb in a specific sense – namely, a) not revealing the face even for needs like giving testimony and b) having to be screened (e.g. in howdahs) even when outdoors for a need – was specific to the wives of the Prophet ﷺ. (*Ikmāl al-Mu'lim*; 7:57; *I'lā' al-Sunan* (Idārat al-Qur'ān), 17:375–7; *Fath al-Bārī* (Dār Ṭaybah), 14:163) Thus, he states: "The mothers of the believers were subject to a strict rule of ḥijāb and were singled out for greater severity in this matter." (*Ikmāl al-Mu'lim*, 4:646; 5:57)

He also believed covering the face (when in the presence of men for a need) was necessary for the wives of the Prophet ﷺ and only recommended for other women. (*Ikmāl al-Mu'lim*, 7:37–8). According to his madhhab, this recommendation rises to the level of obligation when there is a likelihood of temptation and looking with desire, which is definitely the case with non-elderly women. (*Mawāhib al-Jalīl* (Dār al-Kutub al-'Ilmiyyah) 2:181; *Sharḥ al-Zurqānī 'alā Mukhtaṣar Khalīl* (Dār al-Kutub al-'Ilmiyyah) 1:313; *al-Ma'ūnah*, (al-Maktabat al-Tijāriyyah), p.1726; *al-Risālah* (Dār al-Gharb al-Islāmī), pp.269–70) See also: *al-Fatāwā al-Kubrā al-Fiqhiyyah*, 1:199–200.

66 While the wives of the Prophet ﷺ must always be screened, other women do not always have to be, and can be seen in situations of genuine need. (*Sharḥ Ma'ānī al-Āthār* (Dār Ibn Ḥazm), 9:289–293; *Aḥkām al-Qur'ān*, 1:470) This does not mean that the wives of the Prophet ﷺ were never seen, but rather that the threshold for their visibility is much higher, and the conditions for it are stricter.

67 *Guidelines for Gender Interaction in Islam*, p.26

when a blind companion approached, saying, “Are the two of you blind?”<sup>68</sup> Ibn Qutaybah explains: “It is the same whether the blind or seeing male enters their chamber without a screen between him and them, because both [the seeing and blind male] would be disobedient to Allāh, and they [the wives] would also be disobedient if they allowed them to enter.”<sup>69</sup> He adds that this ruling is specific to the wives of the Prophet ﷺ, just as their prohibition from marrying other Muslims after the Prophet’s ﷺ passing is unique to them.

As is clear, it is the blind and seeing male being equal in their obligation of being screened from the wives of the Prophet ﷺ that Ibn Qutaybah considers specific to them. This does not mean that other aspects of concealment do not extend more generally, e.g. the impermissibility of a seeing man being in the presence of a non-maḥram woman without a screen when there is no necessity.

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68 *Sunan al-Tirmidhī*, 2997

69 *Ta'wīl Mukhtalif al-Ḥadīth*, p.328



## INCIDENTS

### **Asmā' bint 'Umayy (ؓ)**

The authors present two incidents involving the eminent female companion, Asmā' bint 'Umayy (ؓ), as evidence. In the first, recorded in *Ṣaḥīḥ Muslim*, a group of men entered her house when her husband, Abū Bakr (ؓ), was absent. Upon returning, he expressed displeasure at finding men in his home with his wife present. However, the Prophet ﷺ defended Asmā' (ؓ) and advised that if a man enters the house of a woman when her husband is not present, he should be accompanied by others (to avoid temptation or suspicion).<sup>70</sup>

The authors counter the view of some commentators that this occurred before the obligation of ḥijāb by citing Mufti Taqi Usmani, who notes that the marriage timeline of Asmā' and Abū Bakr (ؓ) indicates it must have been post-ḥijāb (i.e. after the revelation of Qur'ān, 33:53).

However, the fact that some commentators even proposed that the incident occurred before ḥijāb is itself evidence that it was a common understanding amongst the scholars that the rules of concealment applied by default to all women and not just to the wives of the Prophet ﷺ. Furthermore, they fail to cite Mufti Taqi Usmani's follow-up comment: "It appears that they entered her house

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70 *Guidelines for Gender Interaction in Islam*, p.5

while observing the rules of ḥijāb.”<sup>71</sup>

In another narration, ‘Umar (رضي الله عنه) entered the home of ‘Ā’ishah (رضي الله عنها), prompting some scholars to believe this happened before the obligation of ḥijāb. Ibn Ḥajar al-‘Asqalānī responded: “The removal of ḥijāb (a screen) is not a necessary implication of entering. One can enter via the door, and she can address him from behind a screen.”<sup>72</sup>

Even today, some households have a similar arrangement, allowing a visitor to enter while the woman remains behind a curtain or screen, unseen. Nonetheless, the Prophet (ﷺ) advised against a man entering a house where a woman is alone, as this could invite temptation. This incident, therefore, does not support the *ikhṭilāṭ* the authors attempt to justify based on it.

The second incident involving Asmā’ bint ‘Umayy (رضي الله عنها) that the authors cite involves Ḥaṣṣah (رضي الله عنها), the daughter of ‘Umar (رضي الله عنه). ‘Umar (رضي الله عنه) entered Ḥaṣṣah’s (رضي الله عنها) house and noticed someone present, so he asked who she was. After being informed that it is Asmā’ bint ‘Umayy, he exchanged some words with her.<sup>73</sup>

This incident was an incidental encounter at ‘Umar’s (رضي الله عنه) daughter’s home, without any deliberate intent to meet or converse. Moreover, merely noticing a woman’s presence does not imply she was not behind a screen. In fact, a narration in *Ṣaḥīḥ Muslim* mentions that some ṣaḥābah saw Zaynab bint Jaḥsh (رضي الله عنها) signalling at them “from behind the screen”,<sup>74</sup> indicating that it is possible to see some part of a woman even if she remains behind a barrier, whether this happens accidentally or intentionally. In another incident, the Prophet (ﷺ) “saw a form (*sawādan*) behind a screen/curtain”, and asked who it was, to which he was told it was Asmā’ bint ‘Umayy (رضي الله عنها).<sup>75</sup> This shows that a silhouette might be visible through a screen. Hence, in no way does this incident support the *ikhṭilāṭ* the authors are keen to find justification for.

71 *Takmilah Fatḥ al-Mulbīm* (Dār al-Qalam), 4:161

72 *Fatḥ al-Bārī* (Dār Ṭaybah), 11:611

73 *Guidelines for Gender Interaction in Islam*, pp.8–9

74 *Ṣaḥīḥ Muslim* (Dār al-Ṭa’ṣīl), 1083

75 *Muṣannaf ‘Abd al-Razzāq* (Dār al-Ṭa’ṣīl, 2<sup>nd</sup> edition), 10655

### Abū Ṭalḥah and Umm Sulaym (ﷺ)

The authors also cite the well-known incident of Abū Ṭalḥah and Umm Sulaym (ﷺ), where they hosted a poor man despite their own need, pretending to eat alongside him to save him from embarrassment. However, they themselves acknowledge that this event took place before the obligation of ḥijāb, making it irrelevant to post-ḥijāb norms.<sup>76</sup>

### Umm Usayd (ﷺ) Serving Guests at a Wedding

They also reference an event at Umm Usayd's (ﷺ) wedding, where she prepared and served food for her husband and his guests, including the Prophet (ﷺ). They also highlight Imām al-Bukhārī's chapter title for this ḥadīth: "Chapter on a woman attending to men at a wedding and serving them personally."<sup>77</sup> The ḥadīth shows the bride serving her husband's guests, and the chapter title points to the fact of a woman serving male guests. However, neither the chapter title nor the narration specify *how* the woman served the men. It is unclear whether this event occurred before or after the revelation of ḥijāb. Even if it happened after the ḥijāb was ordained, it is possible that "serving" means, after preparing the meal, passing it to her husband or a close male relative without direct interaction with the non-maḥram male guests.

The authors also argue that the default assumption should be that an incident in the Prophet's (ﷺ) time isn't considered abrogated unless we know whether it occurred before or after the revelation of ḥijāb. However, if the date is ambiguous and the incident appears to violate the rules of ḥijāb, this itself serves as evidence that it likely occurred before the ordainment of ḥijāb.

### Women Seeking Advice From a Scholar When a Situation Arises

The authors also reference instances where women asked the Prophet (ﷺ) directly for advice. Even if these events occurred after the revelation of ḥijāb, there are circumstances in which a woman may require religious guidance but lacks a knowl-

<sup>76</sup> *Guidelines for Gender Interaction in Islam*, p.12

<sup>77</sup> *Ibid.*, pp.12–3

edgeable male family member to provide it or one who is willing to seek it on her behalf. In such cases, consulting a scholar becomes a necessity, which may allow for some degree of *ikhṭilāṭ*.

An accompanying scholarly text the authors quote states: “If she cannot attain knowledge of it except by seeking out a scholar, then it is obligatory upon her to do so,”<sup>78</sup> showing that under specific situations this may become a necessity. During the time of the Prophet ﷺ, he was the primary source of religious guidance, making it necessary for women to approach him directly for advice when required.

*Al-Fatāwā al-Hindiyyah* records: “If a situation (requiring scholarly advice) occurs when a woman’s husband is learned about it or is ignorant but he consults a scholar (on her behalf), she may not emerge. Otherwise, she may emerge (to inquire about it from a scholar).”<sup>79</sup> Hence, to ensure their religious needs are met, it may be necessary for women to seek religious advice directly from male scholars when no alternative is available. This exception of course cannot be used to override the general prohibition of *ikhṭilāṭ*.

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78 Ibid., p.17

79 *Al-Fatāwā al-Hindiyyah* (Dār al-Kutub al-‘Ilmiyyah), 1:375



## STATEMENTS OF CLASSICAL FUQAHĀ'

### The Statement of Imām Mālik

The authors quote a statement of Imām Mālik from the *Muwatta'*, where he permits a woman to eat together with her husband and his male friends who are non-maḥrams to her. They also reference Abū Bakr ibn Jahm, an early Mālikī scholar, who clarifies that this refers to an elderly woman.<sup>80</sup> However, Ibn al-Qaṭṭān al-Fāsī claims Ibn Jahm's explanation is "far-fetched". In reality, Ibn Jahm's explanation is not far-fetched because it aligns with Imām Mālik's broader views on what is acceptable. Another early Mālikī scholar, Abū Bakr al-Abharī, states: "Mālik only said that a woman may eat with those with whom she is safe from fitnah in eating with them."<sup>81</sup>

According to *al-Utbiyyah*, Imām Mālik said: "I believe the ruler is to approach craftsmen on account of women sitting with them, and I believe he is not to leave a non-elderly woman sitting by these craftsmen. As for an elderly woman and a lowly slave who is not suspect in sitting, nor is the one she is sitting next to suspect, I see no problem with that."<sup>82</sup> Ibn Rushd al-Jadd, a major Mālikī authority, comments on this ruling as follows: "This is as he said. It is necessary for the

80 *Guidelines for Gender Interaction in Islam*, pp.31–2

81 *Al-Muntaqā* (Dār al-Kutub al-ʿIlmiyyah) 9:367

82 *Al-Nawādir wa ʿl-Ziyādāt*, 8:243, *al-Bayān wa ʿl-Taḥṣīl*, 9:335



ruler to seek out such things and be vigilant about it given he is responsible...The Messenger of Allāh ﷺ said: 'I have left nothing more harmful for men than women.'<sup>83</sup> And he said: 'Create a distance between the persons of men and women.'<sup>84</sup> Al-Bājī reported from Imām Mālik that he said a non-elderly woman sitting with craftsmen should be prevented from doing so and may even be struck.<sup>85</sup>

Ibn al-Qaṭṭān himself interprets Imām Mālik's statement as referring to a situation of necessity,<sup>86</sup> as there may be circumstances in which it becomes difficult for a woman to avoid eating in the presence of others. Hence, a later Mālikī scholar Ibn Juzayy al-Kalbī (693–741 AH) explicitly states in a text summarising Mālikī fiqh that "sitting together" and "dining together" with non-elderly women is impermissible "except for necessity".<sup>87</sup>

On the other hand, Ibn 'Abd al-Barr objects to a plain reading of Imām Mālik's statement, pointing out its clear contradiction with the principles of Sharī'ah regarding gender interaction. After referring to some of these principles, he states: "Where is sitting together with and eating together with from this?!"<sup>88</sup> In other words, the acts of sitting and dining together between the opposite genders is clearly forbidden according to the Sharī'ah.

Referring to Ibn Jahm's explanation, the authors claim that "many commentators of the *Muwatta'* have not mentioned this additional criterion, including Shaykh Zakariyyā Kāndhlawī".<sup>89</sup> However, Shaykh Zakariyyā Kāndhlawī himself commented on this issue, stating: "As for the issue of ḥijāb, it is separate with its details, because dining together can also occur with ḥijāb."<sup>90</sup> According to his explanation, therefore, what is being referred to in the context of dining together is the woman being present in the same room and eating at the same time, but screened from view.

83 *Ṣaḥīḥ al-Bukhārī*, 5086

84 *Al-Bayān wa 'l-Taḥṣīl* (Dār al-Gharb al-Islāmī), 9:336. The latter narration is reported as a statement of 'Umar ibn al-Khaṭṭāb (رضي الله عنه) in *Adab al-Nisā'* (Dār al-Gharb al-Islāmī), 173.

85 *Awjaz al-Masālik*, 17:178

86 *Iḥkām al-Nazar fī Ahkām al-Nazar* (Dār al-Qalam), p.179

87 *Al-Qawānīn al-Fiqhiyyah* (Dār Ibn Ḥazm), pp.738–9

88 *Mawsū'at Shurūḥ al-Muwatta'* (Markaz Hajr), 22:469

89 *Guidelines for Gender Interaction in Islam*, p.32

90 *Awjaz al-Masālik*, 16:456

In short, Imām Mālik's statement should be understood in a way that is consistent with his other statements and the broader judgements of the scholars of his madhhab. It refers to a situation where a woman dines with her husband and his friends, but only when: a) she is elderly, b) she is screened away (e.g. behind a curtain) or c) it is a situation of necessity.

### Imām al-Nawawī

Abū Ishāq al-Shīrāzī (393–476 AH), a prominent early Shāfi'ī authority, explains that women are not obligated to attend Jumu'ah and cites amongst the reasons for this that it is prohibited for men and women to mix.<sup>91</sup> Imām al-Nawawī, commenting on this, clarifies that attending the prayer in the masjid does not entail mixing (as women are behind the men and are not visible to them). He further states that "women mixing with men is not prohibited when they are not alone".<sup>92</sup> The authors seek to draw scholarly precedent from this latter comment of al-Nawawī to support their view.

The late verifier of the Shāfi'ī madhhab, Ibn Ḥajar al-Haytamī, quotes Abū Ishāq al-Shīrāzī's statement and comments: "Reflect on it, and you find it is explicit on the prohibition of *ikhtilāṭ*, and so it is."<sup>93</sup> Al-Shīrāzī's statement aligns with the judgements of many other Shāfi'ī jurists, including al-Ghazālī, al-Māwardī and others. Al-Haytamī also quotes Imām al-Nawawī from his *Sharḥ Ṣaḥīḥ Muslim*, where, among the conditions for allowing women to attend the masjid, he specifies that they should not be mixing with men. This indicates that al-Nawawī himself rejected *ikhtilāṭ*.<sup>94</sup> Furthermore, the authors of the article acknowledge that Imām al-Nawawī condemned *ikhtilāṭ* during Ḥajj at Jabal al-Raḥmah, where he stated: "From the despicable innovations...is the mixing of women with men with candles between them and their faces apparent."<sup>95</sup>

Hence, al-Nawawī's statement in *Sharḥ al-Mubadhdhab*, at first glance, seems

91 *Al-Mubadhdhab* (Dār al-Qalam), 1:358

92 *Al-Majmū' Sharḥ al-Mubadhdhab* (Maktabat al-Irshād), 4:350

93 *Al-Fatāwā al-Kubrā al-Fiqhiyyah*, 1:203

94 *Ibid.*, 1:200; *Sharḥ al-Nawawī 'alā Ṣaḥīḥ Muslim*, 4:161–2

95 *Guidelines for Gender Interaction in Islam*, p.34

to be an outlier, not only within his own madhhab but also in light of his other statements on the issue. However, this can be understood in the specific context in which he made it (as a response to al-Shīrāzī). In that context, he is likely referring to the incidental, necessary *ikhtilāf* that occurs, for example, when women attend Jumu'ah, where some degree of mixing is unavoidable on the road. Such incidental *ikhtilāf*, in this context, would not be forbidden, as it is a necessary part of facilitating the Sharī'ah's default permission for women to attend Jumu'ah.

Referring to the Jabal al-Raḥmah quote, the authors say: "One must consider that the *ikhtilāf* mentioned in the latter quote involved additional haram actions, whereas in other contexts, such as Jumu'a or battle, it did not."<sup>96</sup> However, they fail to specify what those additional ḥarām actions might be. Is holding candles ḥarām? Or is having the faces uncovered ḥarām? If so, does this mean they consider *ikhtilāf* with uncovered faces to be ḥarām? The authors provide no clear answers, nor do they specify any actual boundaries or principles. The only consistent message seems to be about minimising restrictions on gender interaction while not giving any clear or substantive guidance beyond them.

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96 Ibid.



## ATTENDING GATHERINGS OF SIN TO “PROPAGATE ISLAM”?

The authors reference a text stating that one loses their moral integrity by attending sinful gatherings (for example, where people gather to become intoxicated) unless they are actively “commanding the good”. They argue that this implies that attending such gatherings to “teach and propagate Islam” could be permissible. They write:

“From this text, it is clear that a person who sits with people committing sin and does not participate in the sin would have their character and standing questioned. However, if he is there to command the good, he would not be considered sinful; rather, his actions would be considered praiseworthy.”<sup>97</sup>

Yet, the text they cite pertains to actively working to eliminate sins at such gatherings,<sup>98</sup> not simply passively attending and giving some generic Islāmic advice. According to *Fatāwā QāḍīKhān*, “Someone who sits with open sinners intending that they will stop the sin in that moment will be rewarded for it.”<sup>99</sup>

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97 Ibid., p.37

98 *Ṭawālī‘ al-Anwār*, 11:300

99 *Fatāwā QāḍīKhān* (Dār al-Kutub al-‘Ilmiyyah), 1:383. Meaning, if a person believes that their presence will cause the attendees to cease the sin or that through their physical or verbal condemnation the sin will be stopped, then their attendance is rewarded.

What typically occurs at many so-called “Islāmic” events – where women attend while exposing parts of their *‘awrah* and other wrongs occur which the authors themselves would object to and deem sinful – is that speakers who attend deliver general Islāmic talks without addressing the immediate issues before them. In cases of open *ikhtilāf*, the speakers who attend are not merely observing sin but are part of the environment that enables it. The text they cite, therefore, provides no justification for such participation.<sup>100</sup>

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100 A fundamental difference between attending a gathering where sins like drinking intoxicants are occurring in order to prohibit the evil and attending a gathering of *ikhtilāf* is that the former doesn’t necessarily involve the person in the sin itself (e.g. drinking) but the latter immediately involves him in the sin of *ikhtilāf*. An example more analogous to the latter would be a scholar attending a musical concert in order to “propagate Islam” but without even displaying the slightest disapproval of the clearest evil taking place there – i.e. the music. Would this be acceptable?!



## CREATING SPACE FOR “DISAGREEMENT” TO LEGITIMISE OPEN SIN

The approach adopted by the authors in this article is fundamentally misguided and at odds with correct fiqh methodology. Instead of objectively determining the correct Islāmic ruling through a proper examination of the statements and principles of a specific madhhab, their approach is simply to create space within valid juristic disagreements for the permissibility of *ikhtilāf*! This is not genuine fiqh, but rather an agenda-driven distortion of fiqh.

Their apparent motivation behind such distortion seems to be to shield those involved in misconduct from rightful criticism. However, shouldn't the primary concern of scholars and guides of the Muslim community be to correct the widespread wrong behaviours related to gender interaction? The article's title promises to provide “guidelines for gender interaction”. One of the authors even described it as a paper “exploring the legal guidelines for gender interactions in Islam”. Given the actual Islāmic guidelines (as explored above) and the reductionist approach they have adopted, this claim is entirely misleading. A title more reflective of the contents of the article would perhaps be, “protecting free-mixers from criticism”.

Scholars of the past have warned about such a flawed and misguided fiqh methodology. Imām al-Subkī said: “Peace of mind is necessary for one to have firm conviction and act on what he has firm conviction in. As for one who proceeds with an action while knowing that there is disagreement among scholars

about it and does not have firm conviction in its permissibility – whether through *ijtihād* (if qualified) or *taqlīd* (of the madhhab he follows) – but instead knows only that some scholars have deemed it ḥarām and others ḥalāl, I consider him a sinner. This is because he has acted with doubt regarding the ruling of Allāh.”<sup>101</sup>

In other words, an individual is obligated to follow a proper and genuine method of fiqh. Merely seeking the easiest or most permissive opinion reflects a disingenuous and unacceptable method. Condemning such a method, Imām al-Shāṭibī writes:

**“The one who says this (i.e. adopting the most permissive view when there is difference of opinion) is, in essence, following his desires and using the agreeable view to justify himself and ward off criticism. Thus, he is taking the view not as a means to piety but as a means to follow his desires. This is far from adherence to the command of the Lawgiver and much closer to taking his desires as his god.”**<sup>102</sup>

In the case at hand, the authors are not even referring to a genuine disagreement, but rather attempting to create space for one, effectively allowing every individual “scholar” to pick a position based on personal preference beyond the “fundamental principles” they outlined at the start of the article.

They then claim, in a tone-deaf manner, that there “is a risk that disagreements can be exploited to label an interlocutor as an open sinner for actions they consider sinful”,<sup>103</sup> while of course the real concern here is not “exploiting” disagreements to label others as sinners but inventing “disagreements” where there is none to evade valid criticism.

There is no valid opinion allowing men and women to freely mix without necessity, even if it is without physical contact, *‘awrah* exposure or *khalwah*. Thus, even if someone in the 20th or 21st century adopts this rejected view and believes

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101 *Al-Sayf al-Maslūl* (Dār al-Faḥ), p.389

102 *Al-Muwāfaqāt* (Dār Ibn ‘Affān), 5:94

103 *Guidelines for Gender Interaction in Islam*, pp.42–3

it to be correct, they will still be condemned and deemed to be openly sinning.

### Shielding Wrongdoers From Criticism

The sad reality is that the authors themselves seem to recognise that their article will serve the purpose of shielding wrongdoers from rightful criticism. They write:

“One might argue that this could allow individuals to shield themselves from being labeled as a wrongdoer by providing even the most tenuous justification for their actions. While this is a valid concern, it is the responsibility of scholars to assess the strength of the evidence supporting any given action. As demonstrated above, there is compelling evidence to support the arguments articulated in this paper. Even if someone disagrees with the conclusion, they should recognize that the position is not baseless and has been considered thoughtfully, and therefore, a sweeping label of *tafsīq* is unwarranted.”<sup>104</sup>

Yet, one of the authors of the article is associated with Qalam Institute, an organisation notorious for its involvement in *ikhbtīlāt*. Could their “compelling evidence” not just be a biased prejudgement? An objective assessment of the evidence (as shown above) reveals that their position lacks real justification. Far from being “compelling”, it is merely a flimsy attempt to overturn the established consensus on the prohibition of *ikhbtīlāt*.

Most absurd is their citing of the apparent mistakes (in practice) of some prominent 20th/21st-century scholars effectively as evidence for the permissibility of *ikhbtīlāt*. By this logic, would attending a music gathering by a contemporary scholar now be considered evidence that music is *ḥalāl*? Has the Sharī‘ah been reduced to cherry-picking errors in practice (even those that have become common in the worst of eras) to justify what it clearly prohibits?





## “NECESSITY” AS “VAGUE” AND “PURPOSEFUL” AS NOT?

The permissive position adopted by these authors on *ikhṭilāṭ* eschews the requirement of “necessity” for *ikhṭilāṭ*, deeming it “vague”.<sup>105</sup> Yet, in their view, aside from the basic conditions of covering the *‘awrah*, no physical contact, no looking at the *‘awrah*, no lustful glances and no *khalwah*, they add only the conditions that interactions between men and women be “purposeful” and “appropriate” – which are entirely subjective and vague.

It seems they leave it to the individual’s personal judgement to determine whether an interaction is “purposeful” or not. Hence, a certain celebrity speaker who takes selfies with young women with their faces uncovered could be fully justified in their view, or at least not subject to condemnation or accusations of *fisq*, as long as he considers it “purposeful” for advancing his “da‘wah”!

The truth is that the condition of “purposefulness” is practically meaningless as far as regulating such interactions are concerned. Moreover, as noted in the introduction, the tenor and tone of their article strongly suggests that “purposefulness” is not even a “fundamental principle” of gender interaction but merely their own *ijtihādī* preference which others are free to disagree with.

The requirement of “*ḍarūrah*” (necessity) is not as vague as the authors make

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105 *Guidelines for Gender Interaction in Islam*, p.4

it out to be, though naturally, in practice there may be some unclear or grey areas – which exists in many areas of fiqh. Some examples of necessity (both natural and religious necessities) were highlighted earlier, e.g. when women must attend the market for essential needs because not doing so would create undue difficulty.



## CONCLUDING REMARKS

In short, the article adopts an anti-traditional, agenda-driven, do-it-yourself approach to fiqh, applying personal judgements and conclusions while clearly cherry-picking, dismissing and revising the tradition. It takes a reductive approach towards the topic of gender interaction, seemingly aimed at shielding wrongdoers from rightful criticism.

The requirements for separating the genders and ensuring a physical barrier between them during mixed lectures is more needed today than ever before. Thus, the motivation to write something not about the importance of these measures but about avoiding condemnation of those who don't comply with them reflects an immense and breath-taking ignorance of the current reality (or worse). As the jurists famously state: "Whoever is ignorant of the people of his time is an *ignoramus*."<sup>106</sup>

When one is aware of the rampant disregard for ḥijāb and the gender rules of Islām within even so-called Islāmic organisations, events and programmes, the 'ulamā' have a responsibility to correct these wrongs. These authors seem to give more importance to speaking out against the condemnation of those who are lax about these rules rather than addressing the blatant and widespread violations themselves! If this is the attitude of young Muslim leaders today, and they feel

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<sup>106</sup> *Radd al-Muḥtār*, 16:273

emboldened to express it so openly with little to no pushback from our senior scholars, is it any wonder that we are deprived of Allāh’s support and are suffering as an ummah?

The Prophet ﷺ is reported to have said: “I fear for my ummah only the leaders who misguide.”<sup>107, 108</sup>

May Allāh guide the authors and their endorsers to the truth or, if they persist in misguidance, protect the ummah from their harms.

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<sup>107</sup> *Musnad Aḥmad*, 22393; *Sunan al-Tirmidhī*, 2393

<sup>108</sup> For a reliable discussion on the topic of ḥijāb and gender interaction in Islām, refer to Muftī Muḥammad Shafīʿs *Tafṣīl al-Khiṭāb fī Ayāt al-Ḥijāb*, translated into English as *Hijāb: A Comprehensive Introduction* (As-Subah Publications, 2023).